

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

K. Elwell et al.

Application No. 10/029,688

Filed: 12/21/2001

For: ENTERPRISE NETWORK ANALYZER
HOST CONTROLLER/ZONE
CONTROLLER INTERFACE SYSTEM
AND METHOD

)
) Group Art Unit: 2155
)
) Examiner: Frantz B. Jean
)
) Atty. Docket No. NAI1P061/
01.303.01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Kevin J. Zilka, represent that I am the agent of record.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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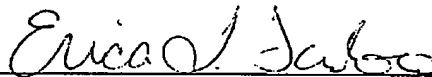
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* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 2

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER**(Obviousness-Type Double Patenting Rejection Over A Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,714,513 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,714,513, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Other than a small entity--fee \$110.00.

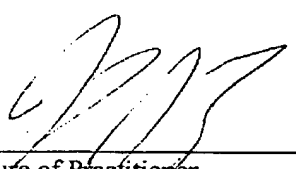
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Signature of Practitioner

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